
ABUSE AND NEGLECT

INTRODUCTION/DEFINITIONS:

We are committed to protecting individuals from abuse and neglect as well as from any exploitation including, but not limited to, misuse of their funds or property. We are also dedicated to ensuring that all staff are trained and knowledgeable regarding the expectations for identifying and reporting abuse and neglect.

This section prescribes procedures for reporting, investigating, processing reports and following up on complaints about abuse, neglect, serious medication errors, and misuse of individuals' funds/property for those residing in a licensed or certified residential facility, attending a day program or receiving a specialized service that is funded by the Department of Mental Health.

In addition, this section provides some basic overview information about key substantive issues involving abuse, neglect and misuse of funds/property, as well as some core regulatory and provider standards and expectations. This section is not designed to make a Service Coordinator fully informed about all abuse, neglect and exploitation issues, which are many and sometimes complex. If you ever have any questions or concerns about a situation you suspect is inappropriate, please contact your supervisor.

DEFINITIONS OF ABUSE/NEGLECT AND MISUSE OF FUNDS/PROPERTY: Below is an overview of the abuse and neglect definitions which can be found in [9 CSR 10-5.200](#) (page 7) Reports of Complaints of Abuse, Neglect and Misuse of Funds/Property

- **Neglect:** failure of an employee to provide reasonable or necessary services to maintain the physical and mental health of any individual when that failure presents either imminent danger to the health, safety or welfare of an individual, or a substantial probability that death or physical injury would result. This would include, but is not limited to, failure to provide adequate supervision during an event in which one individual causes serious injury to another.
- **Misuse of Funds/Property:** The misappropriation or conversion for any purpose of an individual's funds or property by an employee or employees with or without the consent of the individual, or the purchase of property or services from an individual in which the purchase price substantially varies from the market value.
- **Physical Abuse:**
 1. An employee purposefully beating, striking, wounding or injuring any individual;
 2. In any manner whatsoever, an employee mistreating or maltreating an individual in a brutal or inhumane manner; or
 3. An employee handling an individual with any more force than is reasonable for an individual's proper control, treatment or management.

- **Sexual Abuse:** any touching, directly or through clothing, of an individual by an employee for sexual purpose or in a sexual manner. This includes but is not limited to:
 1. Kissing;
 2. Touching the genitals, buttocks or breasts;
 3. Causing an individual to touch the employee for sexual purposes;
 4. Promoting or observing for sexual purpose any activity or performance involving individuals including any play, motion picture, photography, dance, or other visual or written representation;
 5. Failing to intervene or attempting to stop inappropriate sexual activity or performance between individuals; and/or
 6. Encouraging inappropriate sexual activity or performance between individuals.
- **Verbal Abuse:** An employee making a threat of physical violence to an individual, when such threats are made directly to an individual or about an individual in the presence of an individual

SERVICE COORDINATOR RESPONSIBILITY

Department Operating Regulation (DOR) 2.210 requires all Department employees to **immediately** report any complaints they receive. It also requires Department employees to make a complaint themselves if they know, through direct or indirect means, that abuse or neglect has occurred, or if they even suspect that such activity has occurred. Employees who fail to report complaints of known or suspected incidents of abuse, neglect or any other misconduct are subject to discipline, criminal prosecution or both.

<http://dmh.mo.gov/docs/diroffice/dors/ch2/DOR2210.pdf>

Abuse, neglect, or misuse of funds/property may be discovered through:

- Service monitoring
- Verbal or written complaints
- Observations in the community
- Reviewing documentation i.e. event reports, observation notes, staff logs, provider agency monthly reports, etc.

When the Service Coordinator receives or discovers any information suggesting abuse, neglect or misuse of funds/property, the Service Coordinator will do the following IMMEDIATELY:

- Contact the provider and ensure the safety and well-being of the consumer(s).
- Ensure a CIMOR EMT (Event Management Tracking) - Community Event Report Form is thoroughly and accurately completed by whoever has the most knowledge of the event. The CIMOR EMT should contain a detailed account of any actions or statements made surrounding the allegation, and a list all potential witnesses. Refer to section “J” (QE Section) in the Service Coordinator Manual for instructions on completing the CIMOR EMT - Community Event Report Form.
- Forward the CIMOR EMT to the District Administrator, Regional Office Director or other Department designee immediately for entry into the EMT database.

Upon receiving a complaint, the District Administrator's office, Regional Office Director or other Department designee shall take the following actions:

- Enter all complaints and reports of abuse and neglect into the EMT database as inquiries within twenty-four (24) hours of the incident, or by the end of the next working day after the incident occurred, was discovered, or notification of the incident was received.
- Take necessary action to protect the safety or welfare of Department consumers, which may include removing department consumers from an agency or placing a monitor in the agency pending the inquiry or investigation.
- Initiate or ensure that a physical examination of the consumer is performed by qualified medical staff as soon as practicable in all cases involving physical abuse or neglect resulting in injury. If there is reasonable cause to believe that sexual abuse has occurred and it included penetration, a physical examination shall be conducted immediately by a medical professional at the agency qualified in the "rape kit" examination.
- Immediately report to local law enforcement officials if there is a reasonable suspicion that any of the following abuse or neglect has occurred:
 1. Sexual abuse;
 2. Abuse, neglect or misuse of funds/property if the District Administrator or Regional Director or designee has cause to believe that the acts involve criminal misconduct; or
 3. Abuse and neglect that result in physical injury.
- Immediately forward the complaint to the Children's Division if the alleged victim is under the age of eighteen (18); or to the Division of Health and Senior Services if the alleged victim is a resident or client of a facility licensed by the DHSS or receiving services from an entity under contract with the DHSS.
- Initiate an inquiry, if necessary, to determine whether there is reasonable cause to believe that abuse or neglect has occurred. The inquiry shall be completed within a reasonable time, not to exceed ten (10) working days, unless additional time is needed for good cause shown.
- Direct the agency to secure any evidence involved in the incident. Any area where an incident has occurred in which it is believed potential evidence may exist shall not be disturbed, until after the review by authorized personnel such as the assigned investigator, law enforcement officials, or medical or emergency personnel, and only with the approval of the District Administrator or Regional Office Director or designee in consultation with the assigned investigator.
- Immediately notify by telephone, if possible, the parents of a minor consumer or the consumer's legal guardian of the nature of the injuries and the facts and circumstances surrounding the incident as they are then known, except the names of employees and other consumers shall not be disclosed, and the actions that have been taken or that are planned regarding the care of the consumer and the inquiry or investigation into the matter.
- As soon as practicable following the phone contact, provide written notification to the parents or legal guardian of the information provided in the immediately preceding paragraph above along with the current status of the matter. If the matter is assigned for

investigation, then the written notification provided for in this section shall also be provided to the assigned investigator.

- Within five (5) working days after receiving the complaint, send written notice by regular mail to the complainant acknowledging receipt of the complaint. The notice shall specify whether an investigation or inquiry has been initiated. Copies of the complainant notification shall be provided to the assigned investigator if an investigation is initiated.

Revised Statutes of Missouri:

- RsMO 630.110-Patient's Rights <http://www.moga.mo.gov/statutes/C600-699/63000000110.HTM>
- RsMO 630.115-Patient's Entitlements <http://www.moga.mo.gov/statutes/C600-699/63000000115.HTM>
- RsMO 630.165-Suspected Abuse of Patient <http://www.moga.mo.gov/statutes/C600-699/63000000165.HTM>
- RsMO 630.167-Investigation of Report <http://www.moga.mo.gov/statutes/C600-699/63000000167.HTM>
- RsMO 630.170-Disqualification for Employment <http://www.moga.mo.gov/statutes/C600-699/63000000170.HTM>
- **Forms:**
 - EMT CIMOR Community Event Report Form
 - <http://dmh.mo.gov/docs/dd/directives/4070eventform.pdf>
 - Investigation Request Form
 - <http://dmhonline/diroffice/depdire/invest/InvestigationRequestForm5-20-09.doc>
 - Determiner Response Form
 - <http://dmhonline/diroffice/depdire/invest/DeterminerResponseForm.doc>
 - Final Determination Form
 - http://dmhonline/diroffice/depdire/invest/FinalDeterminationForm_002.doc
 - Death Report
 - <http://dmhonline/diroffice/depdire/invest/DeathReportForm7-17-08.doc>